

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

SANTOS GOMEZ,)	
)	
Plaintiff,)	
)	
v.)	
)	
JESSICA A. MARSH, <i>et al.</i> ,)	
)	
Defendants.)	Civil Action No. 5:23-CV-59-C

ORDER

Before the Court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge therein advising the Court that Plaintiff's Motion to Proceed *In Forma Pauperis* should be denied and the case be dismissed without prejudice because allegations in support of his Motion to Proceed *In Forma Pauperis* are false.¹

The Court conducts a *de novo* review of those portions of the Magistrate Judge's report or specified proposed findings or recommendations to which a timely objection is made. 28 U.S.C. § 636(b)(1)(C). Portions of the report or proposed findings or recommendations that are not the subject of a timely objection will be accepted by the Court unless they are clearly erroneous or contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

After due consideration and having conducted a *de novo* review, the Court finds that Plaintiff's objections should be **OVERRULED**. The Court has further conducted an independent review of the Magistrate Judge's findings and conclusions and finds no error. It is therefore **ORDERED** that the Findings, Conclusions, and Recommendation are hereby

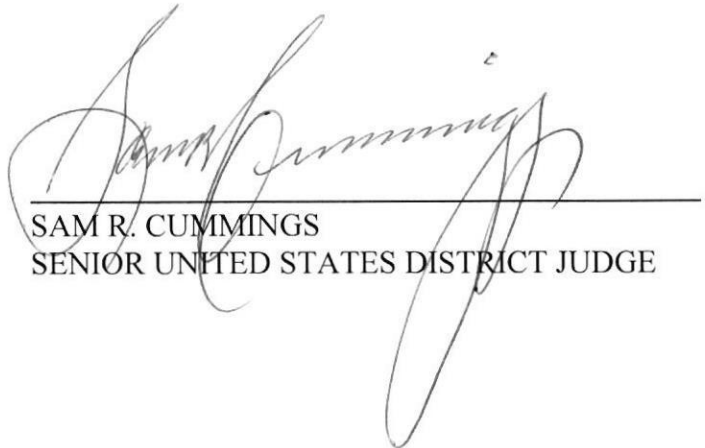
¹Plaintiff has filed objections to the Magistrate Judge's Findings, Conclusions, and Recommendation in which he contends that his false statements were not intentional.

ADOPTED as the findings and conclusions of the Court. For the reasons stated therein, the Court **ORDERS** that the Motion to Proceed *In Forma Paupers* be **DENIED** and the above-styled and -numbered civil action be **DISMISSED** without prejudice under 28 U.S.C.

§ 1915(e)(2)(A) (dismissal at *any time* is warranted when there has been a misrepresentation in allegations of poverty). The Court notes that during the time for filing objections to the Magistrate Judge's Findings, Conclusions, and Recommendation, Plaintiff paid the filing fee of \$402.00. However, the Court finds that Plaintiff's Objections fail to show good cause for the discrepancies in his application to proceed *in forma pauperis*. Thus, the Court finds that dismissal without prejudice is warranted based upon said falsehoods.

SO ORDERED.

Dated June 26, 2023.



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE